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Attorneys for Plaintiff
SPOTLIGHT SURGICAL, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SPOTLIGHT SURGICAL, INC.,

Plaintiff,

v.

DEPUY, INC. and DEPUY SPINE, INC.,

Defendants.

Case No. C-07-03362 JF

**STIPULATION (THIRD) AND
[PROPOSED] ORDER TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND RELATED DEADLINES**

Plaintiff Spotlight Surgical, Inc., on the one hand, and defendants DePuy, Inc. and DePuy Spine, Inc., on the other, hereby stipulate and agree, through their respective counsel, as follows:

1. The Court's Order To Continue Case Management Conference And Related Deadlines entered on December 5, 2007 sets forth the following deadlines:

January 7, 2008

Last day to:

- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; and
- file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

January 21, 2008

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

February 1, 2008

Initial Case Management Conference (CMC) in Courtroom 3, 5th Floor, SJ at 10:30 a.m.

2. The parties have been engaged in settlement discussions to resolve this litigation and have reached a settlement in principle, subject to the parties' entry into a mutually acceptable settlement agreement.

3. The parties wish to continue the Initial Case Management Conference and extend the deadlines for the parties to meet and confer regarding initial disclosures, early settlement, ADR process selection, and discovery plan; file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference; and file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement, all for approximately 30 days, in order to conserve the resources of the parties and the Court and to allow the parties time to finalize settlement.

4. There being good cause, the parties hereby stipulate and respectfully request that the Court issue an Order resetting the above deadlines as follows:

February 6, 2008

Last day to:

- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; and
- file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

February 20, 2008

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

1 February 29, 2008

Initial Case Management Conference (CMC) in Courtroom
3, 5th Floor, SJ at 10:30 a.m.

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4 Dated: January 7, 2008

HELLER EHRMAN LLP

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6 By Harold J. Milstein
7 Harold J. Milstein

8 Attorneys For Plaintiff SPOTLIGHT
9 SURGICAL, INC.

10
11 Dated: January 7, 2008

MORGAN, LEWIS & BOCKIUS LLP

12
13 By Leslie C. McKnew
14 Leslie C. McKnew

15 Attorneys for Defendants DEPUY, INC. and
16 DEPUY SPINE, INC.

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18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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20 Dated: _____

21 The Honorable Jeremy Fogel
22 United States District Judge

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28 Heller
Ehrman LLP

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STIPULATION (SECOND) AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT
CONFERENCE AND RELATED DEADLINES